Docket No. END

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jeffrey D. Messerly

Serial No.: 10/047,601

Art Unit: 3737

Filed

NOV 2 9 2004

: January 14, 2002

Examiner: William C. Jung

For

: BLADES WITH FUNCTIONAL BALANCE ASYMMETRIES FOR USE

WITH ULTRASONIC SURGICAL INSTRUMENTS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450 on

> November 23 2004 (Date of

> > Linda F. Hansen

ROMOLOSY CENTER RETOR (Name of applicant, assignee, or Registered Representative)

November 2004

(Date of Signature)

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

## SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on May 8, 2002 and March 11, 2004.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the aboveidentified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. \$1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

$\square$ In accordance with \$1.97(b), since this Information
Disclosure Statement is being filed either within three months
of the filing date of the above-identified national application
(other than a continued prosecution application under
§1.53(d)), within three months of the date of entry into the
national stage of the above identified application as set forth
in §1.491, or before the mailing date of a first Office Action
on the merits of the above-identified application, or before
the mailing date of a first Office Action after the filing of a
request for continued examination under \$1.114, no additional
fee is required.
$\square$ In accordance with §1.129(a), this Information
Disclosure Statement is being filed in connection with $\square$ the
first or _second After Final Submission, therefore:
<pre>Statement in Accordance with \$1.97(e)</pre>
(attached); or
☐ Please charge Deposit Account No. 10-
0750/ / the fee of $$180.00$ as set forth
in §1.17(p).

In accordance with \$1.97(c), this Information Disclosure Statement is being filed after the period set forth in \$1.97(b) above but before the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

		Statement in Accordance with \$1.97(e)
	$\boxtimes$	(attached); or Please charge Deposit Account No. 10-0750/END-810/VEK the fee of \$180.00 as set forth in \$1.17(p).
either a under \$1 Applicant Information Accordance \$180.00 a	e Stat Final .311 b (s) he on Dis e with s set	excordance with \$1.97(d), this Information ement is being filed after the mailing date of Action under \$1.113 or a Notice of Allowance out before the payment of the Issue Fee. Except petition(s) for consideration of this eclosure Statement. Included are: Statement in \$1.97(e) as set forth below and the fee of forth in \$1.17(p).
⊠ attached	-	es of each of the references listed on the TO-1449 are enclosed herewith.
1449 are	_	es of references listed on the attached Form PTO ed herewith EXCEPT THAT:
		In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
		If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
⊠ English l		e are no listed references which are not in the ge.

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The relevance of those listed references which are not in the English language is as follows:
Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.  Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed May 8, 2002 and March 11, 2004.
Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.  Please charge any deficiency or credit any overpayment to
Deposit Account No. 10-0750/END-810/VEK.  Respectfully submitted,
Verne E. Kreger, Jr.) 35,231 Attorney for Applicants
Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (513) 337-3295 DATED: November 23, 2004

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)
Sheet 1 of 1

0	a collection of information unless it displays a	valid OMB control number.	
	Application Number	10/047,601	
	Filing Date	January 14, 2002	
	First Named Inventor	Jeffrey D. Messerly	
	Group Art Unit	3737	
	Examiner Name	William C. Jung	
	Attorney Docket Number	END-810	

				U.S. PATENT DOCUMENTS		
Examiner	Cite No. <sup>1</sup>	U.S. Patent Document  Kind Code <sup>2</sup>		Name of Patentee or Applicant	Date of Publication of Cited Document	Pages, Columns, Lines, where relevant passages o
Initiala		Number	(if known)	of Cited Document	mm-dd-yyyy	relevant figures appear
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FOREIGN PATENT DOCUMENTS Pages, Columns, Lines, Date of Publication Foreign Patent Document of Cited Document where relevant Name of Patentee or passages or relevant Examiner mm-dd-yyyy Applicant of Cited Document figures appear Initials Office<sup>3</sup> Number<sup>4</sup> KindCode<sup>5</sup> No.1 EP 0968684 **A1** 01-05-2000 ALL Beaupre Т 12-05-1974 ALL SU 452338 Tkachenko

Examiner	Date	
Signature	Considered	
	<del></del>	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

<sup>1</sup> Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

RIGHT	Filing Date	January 14, 2002
	First Named Inventor	Jeffrey D. Messerly
JBMISSION UNDER MPEP 609 D	Group Art Unit	3737
	Examiner Name	William C. Jung
		END 040

Page 1 of 1

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Group Art Unit	3737
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		Name of Patentee or Applicant of Cited Document	U.S. Patent Document		
Examiner Initials	Cite No.1		Number	Kind Code <sup>2</sup> (if known)	Pages, Columns, Lines, where relevant passages or relevant figures appear
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			PATENT DOCUMENTS		

Pages, Columns, Lines, where relevant passages or relevant figures Foreign Patent Document Name of Patentee or Examiner Initials Т Cite Applicant of Cited Document Office<sup>3</sup> Number<sup>4</sup> KindCode<sup>5</sup> appear No.1 OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published T<sup>2</sup> Cite No.1 Examiner Initials\* EPO Search Report dated August 3, 2004 for related patent application 09/412,257, European Patent Application No. 00 96 1666.

Examiner	Date	ı
Signature	Considered	*